

### **REMARKS**

The Office Action mailed July 3, 2007, addresses pending claims 11-23. Claims 11-13, 15, and 16-23 stand rejected, and claims 14 and 16 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form.

At the outset, Applicants thank the Examiner for the indication of allowable subject matter.

#### **Amendments to the Claims**

Applicants amend independent claim 11 to recite that the multi-lumen member has a first end coupled to the reservoir outlet port for receiving fluid flow from the reservoir and a second opposed end coupled to an outlet port. Applicants have also added new independent claim 33 and new dependent claims 34-39. New claim 33 is directed to an implantable drug delivery pump that recites, among other things, that the multi-lumen member is adapted to receive fluid flow in one direction therethrough. Support for these amendments can be found in the specification and at least in paragraphs 24 and 32. No new matter is added.

#### **Claim Rejections Pursuant to 35 U.S.C. § 102(b)**

Claims 11-13, 15, and 17-22 are rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,299,220 of Dorman. The Examiner contends that Dorman discloses a valve (15) adapted to receive fluid from the reservoir outlet port (39) and that the valve includes a multi-lumen member (20,21). (See Fig. 1, reproduced below, and Office Action mailed July 3, 2007 at p. 2.)

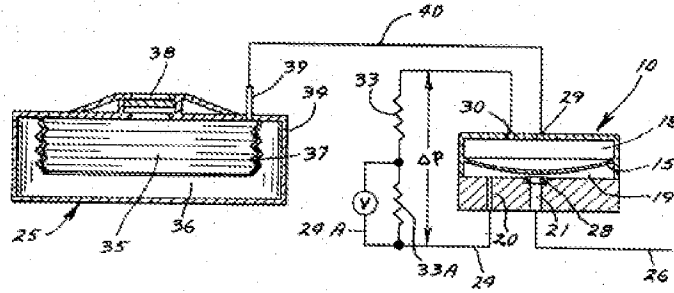


Figure 1 of Dorman

Amended claim 11 requires a valve that has “a multi-lumen member that includes a first end coupled to the reservoir outlet port for receiving fluid flow from the reservoir and a second opposed end coupled to an outlet port.” Dorman does not teach or suggest such a limitation. More specifically, Dorman does not teach or suggest a multi-lumen member having a first end coupled to a reservoir outlet port and second end coupled to an outlet port. Rather, Dorman’s so-called “multi-lumen member” (20, 21) extends between one end which has an inlet and an outlet for the device and a second end which is disposed in an internal lower chamber (19). The lower chamber (i.e., the second end) does not include an outlet port, but rather it is a sealed chamber.

Because Dorman does not teach or suggest the claimed valve, claim 11, as well as claims 12, 13, and 17-22, which depend therefrom, distinguish over Dorman and represent allowable subject matter.

### **Claim Rejections Pursuant to 35 U.S.C. § 103(a)**

The Examiner also rejects dependent claim 23 pursuant to 35 U.S.C. § 103(a) as being unpatentable over Dorman in view of U.S. Patent No. 6,048,328 of Haller et al. Claim 23 depends from claim 11, and as discussed above claim 11 distinguishes over Dorman. Haller does not remedy the deficiencies of Dorman because Haller likewise fails to disclose a device

having a multi-lumen member with first and second ends as recited in claim 11. Haller is merely relied on to teach an implantable drug delivery system that includes a flow sensor located downstream of an outlet to monitor flow. Dependent claim 23 therefore distinguishes over Dorman in view of Haller at least because it depends from an allowable base claim.

### **New Claims 33-39**

New independent claim 33 recites, among other things, a valve that includes “a multi-lumen member disposed within a valve housing and adapted to receive fluid flow in one direction therethrough.” Dorman does not teach or suggest such a limitation. Again, the Examiner has cited passageways 20, 21 of Figure 1 as evidence of a “multi-lumen element.” However, passageway 20 is an “inlet passage” that receives fluid from a flow line 24, and passageway 21 is an “outlet passage” that delivers that fluid to a catheter flow line 26 after it passes through internal chamber 19. (See Dorman at col. 2, lines 55-60, col. 4, lines 17-22.) As a result, fluid flows not in one direction but in opposite directions through Dorman’s so-called “multi-lumen element”: in through the inlet passage 20, and out through the outlet passage 21. Dorman’s inlet and outlet passages clearly cannot have fluid flowing in one direction without rendering the drug infusion regulator inoperable. Accordingly, Dorman fails to teach or suggest the claimed valve, and for at least that reason claim 33 is allowable. Claims 34-39 depend from claim 33 and are allowable for at least that reason.

**Conclusion**

In light of the foregoing, Applicants respectfully submit that all claims are now in condition for allowance. The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application

Respectfully submitted,

Date: October 3, 2007

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